

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

RUFUS E. BROWN,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

**CASE NO. 2:16-CV-00518
CRIM. NO. 95-CR-00066
JUDGE GEORGE C. SMITH
MAGISTRATE JUDGE KEMP**

OPINION AND ORDER

Through counsel, Petitioner has filed an *Amended Second In Time Motion to Correct Sentence Under 28 U.S.C. § 2255* and *Motion for Abeyance*. (ECF Nos. 314, 315). Petitioner asserts that his sentence violates *United States v. Johnson*, -- U.S. --, 135 S.Ct. 2551 (2015)(declaring the residual clause of the Armed Career Criminal Act to be unconstitutional), and requests a stay of proceedings pending a ruling from the United States Court of Appeals for the Sixth Circuit on his successive application for relief. However, on June 14, 2016, the Court transferred this case to the United States Court of Appeals for the Sixth Circuit. The Court therefore lacks jurisdiction to consider Petitioner's motions.

Petitioner's *Motion for Abeyance* (ECF No. 315) therefore is **DENIED** for lack of jurisdiction. Any amended or second in time motion under § 2255 should be filed with the United States Court of Appeals for the Sixth Circuit for authorization for filing. The Clerk is **DIRECTED** to remove the *Amended Second In Time Motion to Correct Sentence Under 28 U.S.C. § 2255* and *Motion for Abeyance* (ECF Nos. 314, 315) from the Court's pending motions list.

IT IS SO ORDERED.

/s/ George C. Smith
GEORGE C. SMITH, JUDGE
UNITED STATES DISTRICT COURT